

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON

ENTERED

OCT 25 2006

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

MAXINE PACK HARLESS, et al.

Plaintiffs,

v.

Civil Action No. 3:01-0470
Honorable Robert C. Chambers

PEN COAL CORPORATION, et al.

Defendants.

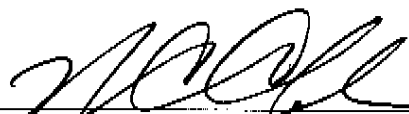
AGREED ORDER

By Order dated December 14, 2005, this Court directed that Pen Coal and/or its Insurance Carriers were to reimburse Plaintiffs' "their reasonable attorneys' fees attributable to the filing of the August 15, 2005, motion to enforce the settlement, and those attributable to responding and objecting to Pen Coals' Bankruptcy Court filings with respect to the injunctions." On August 18, 2006, Plaintiffs submitted affidavits from four attorneys in which said attorneys submitted under oath the fees and expenses they incurred with regard to the above matters. The attorneys submitting said affidavits were Brian P. Conaty, Charles M. Hatcher, Jr., John H. Hankins and Jason A. Poling. The Court was informed by counsel for Pen Coal that the carriers for Pen Coal have agreed to pay the sums submitted by Plaintiffs' counsel. As such, the Court directs that said carriers pay to the Plaintiffs the sum of \$23,916.60, which sum represents the total fees and expenses submitted herein.

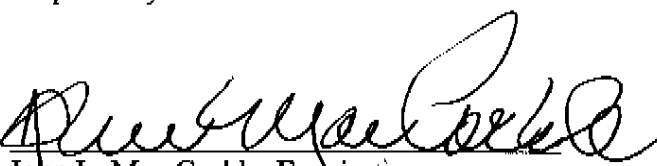
As this issue is the only outstanding issue with respect to the payment of attorney fees pursuant to the Order dated December 14, 2006, the Court does hereby find that this issue has been resolved by the parties by agreement and that no further proceedings are necessary before the Court with regard to the Order dated December 14, 2006.

The Court further directs that a copy of this Order is to be sent to counsel of record and any unrepresented parties.

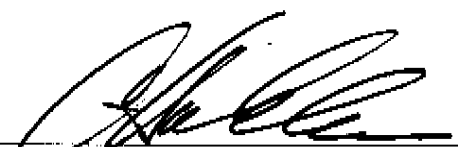
ENTER: This October day of 25th 26, 2006.



Robert C. Chambers, Judge


Prepared by:



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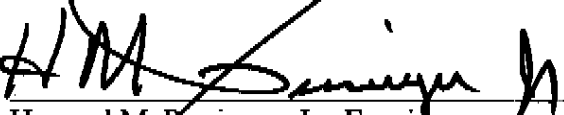
Approved by:



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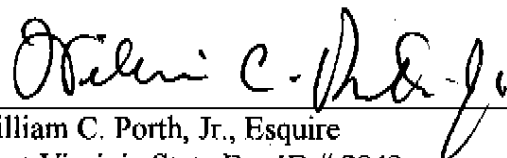

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